

ONE HUNDRED SEVENTH LEGISLATURE - FIRST SESSION - 2021
COMMITTEE STATEMENT
LB149

Hearing Date: Monday January 25, 2021
Committee On: Transportation and Telecommunications
Introducer: Albrecht
One Liner: Adopt changes to federal law regarding motor vehicles and motor carriers

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 8 Senators Albrecht, Bostelman, Cavanaugh, M., DeBoer, Friesen, Geist, Hughes, Moser

Nay:

Absent:

Present Not Voting:

Oral Testimony:

Proponents:

Senator Joni Albrecht
Mike Maytum
Rhonda Lahm

Representing:

Introducer
NE State Patrol
Director, DMV

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 149 is a bill updating the governing statutes under which the Nebraska State Patrol and the Nebraska Department of Motor Vehicles ("DMV") operate to be consistent with federal regulations. This bill updates the statutory references of the regulations adhered to, to those in operation on January 1, 2021.

The adoption of these regulations is required on an annual basis to incorporate new or revised federal regulations into state statute. The statutes must remain current with the federal regulations to avoid incompatibility and jeopardizing Nebraska's Motor Carrier Safety Assistance Program (MCSAP), which is funded by the Federal Motor Carrier Safety Administration.

Section 1 amends section 60-107

Subsection (4) Updates the definition of a manufactured home to comply with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 and relevant regulations, as they existed on January 1, 2021. (Page 3, lines 3-4.)

Section 2 amends section 60-119.01

Subsection (1)(c) Updates the compliance requirements for low-speed four-wheeled vehicles to reflect those contained in the Federal Motor Vehicle Safety Standards in existence on January 1, 2021. (Page 3, line 12.)

Section 3 amends section 60-302.01

Updates the definition of an access aisle to reflect those regulations contained in the Federal Americans with Disabilities Act of 1990, and those adopted in response to the Act in existence on January 1, 2021. (Page 3, line 24.)

Section 4 amends section 60-336.01

Subsection (1)(c) For the purposes of the Motor Vehicle Registration Act, this amendment updates the compliance requirements for low-speed four-wheeled vehicles to reflect those contained in the Federal Motor Vehicle Safety Standards in existence on January 1, 2021. (Page 4, line 1.)

Section 5 amends section 60-386

Subsection (1) Updates the motor carrier registration requirements to comply with the standards established by the Federal Motor Carrier Safety Administration, as they existed on January 1, 2021, and removes obsolete implementation date language. (Page 4, lines 15-18.)

Subsection (2) Removes obsolete implementation date language from motor carrier registration requirements. (Page 4, lines 29-31.)

Section 6 amends section 60-3,113.04

Subsection (1) Updates the handicapped/disabled parking permit to comply with the federal Uniform System for Parking for Persons with Disabilities, as they existed on January 1, 2021. (Page 5, line 18.)

Section 7 amends section 60-3,183

Subsection (1) Updates the provisions of the federal Performance and Registration Information Management Program to include required provisions for full state compliance to prevent fraudulent registrations and registration applications intended to circumvent suspensions, revocations, cancellations and refusals to issue. (Page 6, lines 9-25)

Section 8 amends section 60-3,193.01

Updates the Motor Vehicle Registration Act to adopt the International Registration Plan (IRP) as it existed on January 1, 2021. (Page 7, line 6.)

Section 9 amends section 60-462.01

For the purposes of the Motor Vehicle Operator's License Act, Title 49 of the Code of Federal Regulations referenced in the Act, will be updated to reflect those federal regulations in existence on January 1, 2021. (Page 7, line 11.)

Section 10 amends section 60-479.01

Subsection (2) Updates the reference to federal background check requirements for persons involved in the application, review, or production of operator licenses and state IDs, to reflect those regulations as they existed on January 1, 2021. (Page 7, line 27.)

Subsection (4) Updates the reference to federal background check requirements to prohibit convicted persons from being involved in the application, review, or production of operator licenses and state IDs, to reflect those regulations as they existed on January 1, 2021. (Page 8, line 13.)

Section 11 amends section 60-4,111.01

Subsection (4)(a) Updates the reference to the federal Fair Credit Reporting Act allowing persons to scan, compile, store, or preserve information obtainable via a machine-readable operator's license or state ID, to reflect those regulations, as existed on January 1, 2021. (Page 10, line 26.)

Section 12 amends section 60-4,132

As part of the provisions applicable to the operation of a commercial motor vehicle, this section updates the reference to all

relevant federal laws, amendments, and regulations in existence on January 1, 2021. (Page 11, lines 16 & 20.)

Section 13 amends section 60-4,134

Updates the reference to the federal Fixing America's Surface Transportation Act and 49 C.F.R. 383.3(i), which is established by the Federal Motor Carrier Safety Administration, to reflect those regulations in existence on January 1, 2021. (Page 11, line 29.)

Section 14 amends section 60-4,147.02

As part of the provisions applicable to the operation of a commercial motor vehicle, this section updates the reference to all relevant federal laws, amendments, and regulations in existence on January 1, 2021. (Page 12, line 18.)

Section 15 amends section 60-4,168

Subsection (3) (c) Updates the reference to relevant federal laws, amendments, and regulations for human trafficking as defined and described in 22 U.S.C. 7102(11), as such section existed on January 1, 2021. (Page 14, line 4.)

Section 16 amends section 60-501

Subsection (6) For the purposes of the Motor Vehicle Safety Responsibility Act, this amendment updates the compliance requirements for low-speed four-wheeled vehicles to reflect those contained in the Federal Motor Vehicle Safety Standards in existence on January 1, 2021. (Page 18, line 21.)

Section 17 amends section 60-628.01

As part of the General Provisions for the Nebraska Rules of the Road, this amendment updates the compliance requirements for low-speed four-wheeled vehicles to reflect those contained in the Federal Motor Vehicle Safety Standards in existence on January 1, 2021. (Page 21, lines 3.)

Section 18 amends section 60-6,265

Updates seatbelt reference to Federal Motor Vehicle Safety Standards as existed on January 1, 2021. (Page 21, line 16.)

Section 19 amends section 60-2705

As part of the manufacturer's warranty duties, this amendment updates the reference date to comply with federal regulations in place on January 1, 2021. (Page 21, lines 27-28.)

Section 20 amends section 60-2909.01

Subsection (4) For the purposes of sharing information contained within a motor vehicle record, this amendment updates compliance requirements to match those regulations stemming from the federal Commercial Motor Vehicle Safety Act, in existence on January 1, 2021. (Page 22, line 30.)

Subsection (5) For the purposes of sharing information contained within a motor vehicle record, this amendment updates compliance requirements to match those regulations as established by the Federal Motor Carrier Safety Administration in existence on January 1, 2021. (Page 23, line 4.)

Section 21 amends section 75-363

Subsection (1) For the purposes of Title 49 of the Code of Federal Regulations, this amendment modifies the reference date of those regulations in effect on January 1, 2021 to be adopted as Nebraska law. (Page 23, line 10.)

Section 22 amends section 75-364

For the purposes of Title 49 of the Code of Federal Regulations, this amendment modifies the reference date of those regulations in effect on January 1, 2021 to be adopted as Nebraska law. This statute applies specifically to motor carriers. (Page 27, line 2.)

Section 23 amends section 75-366

Updates the authority of the Nebraska State Patrol to enforce federal motor carrier safety regulations and federal hazardous materials regulations, as they existed on January 1, 2021. (Page 27, lines 29-30.)

Section 24 amends section 75-392

Amends the definition of the "unified carrier registration plan and agreement" to reflect the regulations in existence on January 1, 2021. (Page 28, line 19.)

Section 25 amends section 75-393

Authorizes the director to participate in the unified carrier registration plan and agreement, as it existed on January 1, 2021. (Page 28, line 25.)

Section 26

Repeals the original sections. (Page 28, lines 27-31 and page 29, line 1.)

Curt Friesen, Chairperson